IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1027(S/S) 2005

Smt. Leela Devi R/o Jeevan Garh Dakpathar,
Working as Sweeper in the office of
Executive Engineer, Jal Vidyut Utpadan Khand,
Khodri Power Station, Dakpathar,
Dehradun. .....Petitioner.

Versus

1. Executive Engineer, Jal Vidyut Utpadan Khand,
   Khodri Power Station, Dakpathar, Dehradun,
2. Accountant, Vidyut Utpadan Khand,
   Dakpathar, Dehradun,
3. General Manager, Jal Vidyut Nigam Ltd.,
   Dakpathar, Dehradun. .....Respondents.

Sri S.S. Yaday, learned counsel for the petitioner,
Sri Vinay Kumar, learned counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S Yaday, learned counsel for the petitioner and Sri Vinay Kumar, learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus directing the respondents to regularize the services of the petitioner as permanent/regular sweeper and further to give her minimum wages of regular sweeper,

ii. Issue any order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award costs of the petition in favour of the petitioner.

The petitioner has claimed regularization of her services as well as directions to the respondents to give her minimum wages. Contention of the petitioner is that she is working as

Sweeper on Daily Wage basis with the respondents, however the respondents are not paying minimum wages to her under the Minimum Wages Act.

During the course of arguments, learned counsel for the petitioner has submitted that he does not intend to press the relief no. 1 to the extent by which regularization of the services of the petitioner has been sought. This Court cannot grant such relief in view of the judgment of Hon'ble the Apex Court in the case of **Secretary State of Karnatake and ors. Vs. Uma Devi and others, reported in (2006) 4 S.C.C., page-1.**

So far the payment of wages to the petitioner as per the Payment of Minimum Wages Act is concerned, learned counsel for the respondents has submitted that the petitioner may approach to Labour Court for redressal of her grievances.

In the circumstances of the case, the petitioner is directed to move representation before the appropriate authority for payment of wages as per the Minimum Wages Act, and the respondents are directed to take decision on her representation within a period of three weeks from the date of receipt of a certified copy of this order, in regard to the payment of wages to the petitioner under the Minimum Wages Act.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

March 28, 2007:
NCM: